

11. (Amended) A method of providing a colonic lavage comprising the steps of delivering a predetermined volume of lavage liquid to the colon to fill the colon with lavage liquid to a predetermined level, substantially maintaining the predetermined level of lavage liquid within the colon for a predetermined time in a hold cycle to hydrate impacted material within the colon, inducing a pulsed motion of the lavage liquid within the colon during the hold cycle to enhance hydration and break up of impacted material within the colon and to induce peristaltic activity of the colon, and draining lavage liquid from the colon, wherein the pulsed motion of the lavage liquid during the hold cycle is induced by a pulsed hold technique.

REMARKS

Applicants respectfully request reconsideration of the rejection in the present application. Upon entry of the above amendments, claims 2-4, 8, 10 and 11 remain pending in the application. A petition under 37 C.F.R. § 1.137(a) is provided herewith requesting that the present application be revived due to unavoidable delay, since the application had become abandoned due to failure to respond to the Office Action mailed on April 1, 2002. A declaration pursuant to 37 C.F.R. § 1.137(a)(3) is enclosed to show that the aforementioned Office Action was never received by Applicants' attorneys, Womble Carlyle Sandridge & Rice, PLLC.

Rejection of Claims 1 and 9 Under 35 U.S.C. § 102(b)

Claims 1 and 9 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,403,982 to *Clayton*. This basis of rejection is now moot in view of the cancellation of claims 1 and 9 herein without prejudice or disclaimer. Consequently, withdrawal of the rejection is appropriate.

Rejection of Claims 5 and 6 Under 35 U.S.C. § 103(a)

Claims 5 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Clayton* in view of U.S. Patent No. 5,071,104 to *Witt, et al.* Applicants submit that this basis of rejection is now moot in view of the cancellation of these claims herein and, thus, request that this basis of rejection be withdrawn.

Rejection of Claims 5 and 7 Under 35 U.S. C. § 103(a)

Claims 5 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Clayton* in view of U.S. Patent No. 5,405,391 to *Abell, et al.* Since this rejection is now moot in view of the cancellation of these claims herein, withdrawal of this rejection is appropriate.

Allowable Subject Matter


Claims 2-4, 8, 10 and 11 have been objected to as being dependant upon a rejected base claim. However, the Office Action indicates that these claims would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 2-4, 8, 10 and 11 have now been rewritten as suggested and no longer depend from a rejected base claims. Consequently, claims 2-4, 8, 10 and 11 are now in a condition for allowance.

CONCLUSION

Upon entry of the above amendment, claims 2-4, 8, 10 and 11 remain pending in the present application. Claims 1, 5-7 and 9 have been cancelled herein without prejudice or disclaimer so as to speed the application to allowance and not for acquiescence in the basis of

rejection of these claims. Applicants reserve the right to pursue these or similar claims in another application. The application is now in condition for allowance and a prompt notice to that effect is earnestly solicited. If Examiner believes that any issues remain unresolved in the application, Applicants request that Examiner contact the undersigned.

Respectfully submitted,


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APPENDIX

Claims 2, 8, 10 and 11 are set forth below showing the changes that have been made in the accompanying amendment. Additions to the claims are shown with underlining and deletions are shown in brackets.

2. (Amended) A method of delivering a colonic lavage [as claimed in claim 1 and wherein step (b) comprises] comprising the steps of:

(a) filling the colon with lavage liquid to a predetermined level;

(b) inducing a pulsing action in the lavage liquid within the colon to loosen impacted material and stimulate peristaltic activity of the colon and repeatedly draining a predetermined amount of lavage liquid from the colon according to a predetermined cycling schedule while continuously delivering lavage liquid to the colon; and

(c) draining the lavage liquid from the colon.

8. (Amended) A method of delivering a colonic lavage [as claimed in claim 7 and wherein step (b) includes] comprising the steps of:

(a) filling the colon with lavage liquid to a predetermined level by delivering lavage liquid to the colon through an inflow valve;

(b) inducing a pulsing action in the lavage liquid within the colon to loosen impacted material and stimulate peristaltic activity of the colon by opening and closing the inflow valve and an outflow valve according to a predetermined cycling schedule as lavage liquid is held within the colon; and

(c) draining the lavage liquid from the colon through the outflow valve.

10. (Amended) A method of providing a colonic lavage [as claimed in claim 9 and] comprising the steps of delivering a predetermined volume of lavage liquid to the colon to fill the colon with lavage liquid to a predetermined level, substantially maintaining the predetermined level of lavage liquid within the colon for a predetermined time in a hold cycle to hydrate impacted material within the colon, inducing a pulsed motion of the lavage liquid within the colon during the hold cycle to enhance hydration and break up of impacted material within the colon and to induce peristaltic activity of the colon, and draining lavage liquid from the colon, wherein the pulsed motion of the lavage liquid during the hold cycle is induced by an inverse pulsed technique.

11. (Amended) A method of providing a colonic lavage [as claimed in claim 9 and] comprising the steps of delivering a predetermined volume of lavage liquid to the colon to fill the colon with lavage liquid to a predetermined level, substantially maintaining the predetermined level of lavage liquid within the colon for a predetermined time in a hold cycle to hydrate impacted material within the colon, inducing a pulsed motion of the lavage liquid within the colon during the hold cycle to enhance hydration and break up of impacted material within the colon and to induce peristaltic activity of the colon, and draining lavage liquid from the colon, wherein the pulsed motion of the lavage liquid during the hold cycle is induced by a pulsed hold technique.